

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MARK KAVAKICH,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 06-1109
	)	
NORTH FRANKLIN TOWNSHIP,	)	Judge Lancaster
DONALD HAZLETT, MICHAEL QUINN,	)	Magistrate Judge Hay
RICHARD HORNER,	)	
JERRY CAVANAUGH,	)	
DENNIS M. MAKEL,	)	
WILLIAM LOAR,	)	
	)	
Defendants.	)	

O R D E R

AND NOW, this 26 day of July, 2007, after the plaintiff,

Mark Kavakich, filed a Third Amended Complaint and an Amended Motion for Preliminary  
Injunction in the above-captioned case, and after a Motion to Dismiss Third Amended  
Complaint was filed by defendant, Dennis M. Makel, and after a Motion to Dismiss Third  
Amended Complaint was filed by defendants, Richard Horner, North Franklin Township,  
William Loar, Michael Quinn, Donald Hazlett, and Jerry Cavanaugh, and after a Report and  
Recommendation was filed by the United States Magistrate Judge granting the parties ten days  
after being served with a copy to file written objections thereto, and upon consideration of the  
objections filed by plaintiff and the response to those objections filed by defendant, Dennis M.  
Makel, and upon consideration of the objections filed by defendants, Richard Horner, North  
Franklin Township, William Loar, Michael Quinn, Donald Hazlett, and Jerry Cavanaugh, and the  
response to those objections filed by plaintiff, and after independent review of the record, and

upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that the Motion to Dismiss Third Amended Complaint (Docket No. 47) filed by Dennis M. Makel is GRANTED, the Motion to Dismiss Third Amended Complaint (Docket No. 50) filed by Richard Horner, North Franklin Township, William Loan, Michael Quinn, Donald Hazlett, and Jerry Cavanaugh is DENIED and the Amended Motion for Preliminary Injunction (Docket No. 44) is DENIED.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if the parties desire to appeal from this Order they must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed.R.App.P.



GARY L. LANCASTER  
United States District Judge

cc: Honorable Amy Reynolds Hay  
United States Magistrate Judge

Stanley M. Stein, Esquire  
Feldstein, Grinberg, Stein & McKee  
428 Boulevard of the Allies  
Pittsburgh, PA 15219

David R. Johnson, Esquire  
Thomson, Rhodes & Cowie  
1010 Two Chatham Center  
Pittsburgh, PA 15219

Dennis M. Makel, Esquire  
Makel & Associates  
98 East Maiden Street  
Washington, PA 15301

David L. Haber, Esquire  
Weinheimer, Schadel & Haber  
429 Fourth Avenue  
602 Law & Finance Building  
Pittsburgh, PA 15219